

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By **CHAIRMAN BRENT R. CROMLEY**, on January 5, 2005
at 3:02 P.M., in Room 350 Capitol.

ROLL CALL

Members Present:

Sen. Brent R. Cromley, Chairman (D)
Sen. John Cobb (R)
Sen. John Esp (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Trudi Schmidt (D)
Sen. Dan Weinberg (D)
Sen. Carol Williams (D)

Members Excused: Sen. Duane Grimes (R)

Members Absent: None.

Staff Present: David Niss, Legislative Branch
Rita Tenneson, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: None.
Executive Action: None.

SEN. CROMLEY opened the meeting by asking committee members to introduce themselves and, if a member had history with public health, give a short synopsis. **SEN. BRENT CROMLEY, SD 25, BILLINGS**, said that he is a first-term Senator from Billings. This is his 2nd session. He was a member of the Yellowstone City County Board of Health for 25 years. He served in the House in 1991 for one term but did not run again. At that time he was on the Public Health Committee in the House. He served on the Public Health Committee last session in the Senate. He felt this committee is a good committee because it deals with important issues.

SEN. CROMLEY introduced **SEN. SCHMIDT, SD 11, GREAT FALLS** as the Committee's Vice Chair. **SEN. SCHMIDT**, said it was her fifth session. She has been on the Human Services Committee four sessions, two terms in the House. This is her second term in the Senate. She has worked in Human Services about 21 years. Public health prevention and the whole area has always been an interest of hers.

SEN. JOHN COBB (R), SD 9, AUGUSTA, said he was glad to be on the committee. He added that it is a tough committee and difficult to deal with sometimes.

SEN. DAN WEINBERG (D), SD 2, WHITEFISH, informed the committee he is a Ph.D. Clinical Psychologist who works with various populations in mental health; his first was in a maximum security prison. He has worked with kids, hospitals, and with patients and families as well as working with county mental health. He is not practicing now and he's glad to be here.

SEN. CAROL WILLIAMS (D), SD 46, MISSOULA, has been serving on 14 Boards; all involved with children or health care issues. She ran for office because of issues which come before this committee and is delighted to be on the committee.

SEN. JOHN ESP (R), SD 31, BIG TIMBER, feels this is an important committee which will deal with tough issues.

SEN. LYNDA MOSS (D), SD 26, BILLINGS, said her interests include the Hearing Clinic as well as the Wellness Center next to Deaconess Hospital, which provides acupuncture. She works closely with these two health care providers so she is interested in this committee and happy to serve on it.

SEN. JERRY O'NEIL (R), SD 3, COLUMBIA FALLS has been on this committee for 3 sessions. He has friends who have received services and is interested in how it affects them and also

interested in how the committee can make it easier for the taxpayer.

Rita Tenneson, Committee Secretary, is a Helena native. She has worked 6 sessions and 5 Special Sessions.

David Niss, Legislative Services Division, stated that he has never staffed the Senate Public Health Committee but he has staffed House Human Services for a long time. He will be the committee's counsel for the session.

SEN. CROMLEY informed the committee regarding the committee's general conduct stating amendments should be in at least 24 hours early and given to **David Niss**. There will be a form which started in the Judiciary Committee. It will have a bill number, page and line number which the committee can use for amendments. This will give the committee a hard copy right away.

EXHIBIT (phs03a01)

SEN. COBB asked if amendments should be formally prepared. **SEN. CROMLEY** answered if they were in within 24 hours, the committee could be better prepared and everyone would be aware of them. He said they have the term "conceptual amendment" which they are trying to do away with since they are large and ominous. He stated amendments should come from a member of the committee and not from a lobbyist. He advised the committee a general proxy form was available and encouraged members to attend meetings but, should they need a proxy, forms are available. Generally, executive action is not taken on the day the bill is heard but there could be exceptions. During the hearing, committee members will be allowed to question witnesses. He would discourage witnesses reading testimony during a hearing. They could pass their testimony to the committee secretary and she will make copies for the members.

{Tape: 1; Side: A; Approx. Time Counter: 10.3 - 11.2}

David Niss, Legislative Services, pointed out that Senate rules require proxies and absentee votes, should the committee accept them, be reflected in committee minutes. He added if a member is not present, and has no proxy, the chairman could hold the vote open 24 hours.

Motion/Vote: **SEN. O'NEIL** moved that proxies and absentee votes be reflected in the committee minutes. Motion carried unanimously by voice vote.

SEN. COBB asked if someone thought of an amendment during executive action would they have to be ready at that moment.

SEN. CROMLEY replied they should be ready 24 hours in advance in hard copy. Executive action could be a problem, but the committee probably wouldn't take executive action on the day the bill was heard. An exception to this would be if the bill had no reason for delaying it. The committee wouldn't take executive action unless there was unanimous consent.

SEN. CROMLEY asked if it would be appropriate to entertain a motion to allow members of the committee to vote within 24 hours after executive action has taken place as a blanket rule.

SEN. O'NEIL replied that would be at the chairman's discretion and he would be happy with that.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 11.2}

SEN. CROMLEY said if committee members ask the chair to hold the vote open 24 hours, his inclination would be to do that.

Motion/Vote: **SEN. O'NEIL** moved that when a bill has been voted on and a committee member is absent, the chairman has the discretion to leave the vote open for 24 hours after the committee vote at executive action. Motion carried unanimously by voice vote.

{Tape: 1; Side: A; Approx. Time Counter: 11.2 - 19}

SEN. COBB asked if he could vote by proxy with another Senator or do proxies need to be more specific. **SEN. CROMLEY** answered that if you leave a proxy with someone you should have a specific bill mentioned as well as amendments, if any. **SEN. SCHMIDT** said you would list bills by number and say yes or no to each specific bill.

SEN. CROMLEY introduced **June Herman with Montanans with Disabilities for Equal Access**.

{Tape: 1; Side: A; Approx. Time Counter: 19 - 24.4}

Ms. Herman stated that she is legally blind, so her life is in the disability mode. People with disabilities comprise 17 percent of Montana's population or about 140,000 people. They have a variety of disabilities, with some more severe than others. The programs these people are in have been under close scrutiny. These are quite large programs. One of the programs is the Center for Independent Living which serves the entire state. These are

individuals who are able to learn the skills they need in order to live. The Center strives to keep people in their homes as a matter of choice. **Ms. Herman** identified three issues of concern: The first is the area that serves the high line of eastern Montana. They wanted those dollars out of the prevention and stabilization account within the Governor's budget and that has been served. The second major issue is transportation. The unemployment rate of people with disabilities still sits at 72 percent. A lack of transportation is a barrier to that. The third issue deals with people with disabilities who have homesteads. There are people in other parts of cities who want to move and there are nursing homes. They have identified 156 individuals who are, due to physical disabilities, in nursing homes because those communities have no homes available. The Homestead U.S. Supreme Court decision said people with disabilities have the right to live in the least restrictive environment possible. The State of Montana had three homestead communities. One was in the disabilities citizen's division; one was a co-op and one in senior homestead care. Those institutes were supposed to develop homestead plans for houses and needs. She has not seen the progress on these or how the money goes for community involvement. She added she wanted to be a partner with the committee and, if she can assist in any way, she hoped the committee would let her know.

EXHIBIT (phs03a02)

SEN. WILLIAMS asked if there were any bills coming. **Ms. Herman** answered that they had one bill that deals with the challenges of the coordinated transportation system. **REP. CAROL LAMBERT'S, HD 39, BROADUS** bill takes away the dislocation of the oversized transportation system. She said some of this is regulated by the Department of Transportation and some by the Public Service Commission. The bill will do away with the duplication of oversight and leave it all with the Department of Transportation. Another bill will relate to youthful disabilities. The goals are transitioning to independence and honing their skills for success in the adult world, regardless of disabilities.

SEN. COBB asked if there were other concerns besides the 156 people in nursing homes in reference to the homestead decision. **Ms. Herman** said right now this was their main concern.

David Niss, Legislative Services, informed the committee about a meeting of the Joint Finance Subcommittee for Human Services and Aging tomorrow from 8:00 a.m. to noon in room 237. They will be considering statutory and fiscal changes to the way the developmental disabilities program is funded within the

Department of Public Health and Human Services (DPHHS). Because of litigation in which that department has been involved, and a somewhat recent settlement of that litigation, a lot of it has been in flux. It will be the subject before that committee hearing. Several Senators had conflicting meetings at that time and were told by **Mr. Niss** to attend if they could. He will speak with LSD staffers about this situation after today's meeting.

Charlie Briggs, Montana Association for Independent Disabilities Services, Assistance Advocacy for Developmental Disabled, Vo-Rehab System, said his understanding of the joint hearing tomorrow has been structured to have the Human Service Committees from both houses and the Human Services Subcommittee to also discuss the Mercer Rate Redesign System. There was an independent contractor with whom the Department contracted to develop either a complicated rate redesign or provider rate which will be a part of the discussion. There will be a panel discussion of at least three providers, one consumer and one former chair of the Appropriations Subcommittee to get the legislative perspective as to how these rates will be developed. People from the Mercer Group are flying in from back east to be part of that presentation.

[EXHIBIT \(phs03a03\)](#)

[EXHIBIT \(phs03a04\)](#)

Carl Schweitzer, Montana Association for the Blind, said they are trying to be more pro-active in representing the interest of blind individuals throughout the state.

SEN. CROMLEY reminded the committee of their first hearing next Friday in Room 350.

ADJOURNMENT

Adjournment: 3:50 P.M.

SEN. BRENT R. CROMLEY, Chairman

RITA TENNESON, Secretary

BC/rt

Additional Exhibits:

EXHIBIT ([phs03aad0.TIF](#))